

ITW



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q79633

Helmut HAIDNER, et al.

Appln. No.: 10/766,014

Group Art Unit: 2877

Confirmation No.: 2263

Examiner: Hwa S. LEE

Filed: January 29, 2004

For: APPARATUS AND METHOD FOR MEASURING THE WAVEFRONT OF AN
OPTICAL SYSTEM

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the Restriction and Election of Species Requirement, dated June 15, 2006. In response to the Restriction Requirement, Applicant elects Group IV (Claims 10-21) for examination. This election is made without traverse.

The Examiner has additionally identified Group IV as containing claims directed to more than one distinct species. The Examiner has required the Applicant to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted. The Examiner recognizes that claims 10, 11, 15 and 16 are generic claims. Applicant submits that claims 12 and 19 are also generic claims. In response to the Examiner's requirement, Applicant elects species a, directed specifically to interferometric wavefront measurement by lateral shearing interferometry, for immediate examination. At least claims 10-13, 15-17 and 19-20 are considered readable on the elected species.

Applicant submits that if any of the elected claims is found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application.

RESPONSE TO REQUIREMENT/ ELECTION OF SPECIES REQUIREMENT

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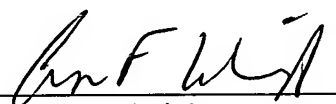
Applicant further submits that the examination burden from examining species b alongside species a is minimal , given that the generic claims 10-12, 15-16 and 19 require search for and examination of both lateral shearing interferometry and point diffraction interferomtry (see, in particular, claims 11 and 16).

Applicant reserves the right to file a Divisional Application directed to non-elected claims.

Since the initial response date fell on a Saturday, Sunday or holiday, the filing of this response on Monday, July 17, 2006, is believed to be sufficient to avoid the need for a petition and payment for an extension of time.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


George F. Lehnigk
Registration No. 36,359

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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GFL/plr

Date: July 17, 2006